

Attorney's Docket No.: 10559-424001/P10438

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. New claims and claim amendments are presented herein to obviate the current rejection.

35 USC § 103

Claims 1-3, 5-11, 13-16, 23-24, 26-27, and 33-35 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Jones in view of Cruickshank. These rejections are respectfully traversed.

Claim 1 has been amended to recite: periodically ranking the interfaces on the list of interfaces from most preferable to least preferable based on fees levied for use of each respective interface. Claim 9 has been amended to recite similar features. New claim 37 recites similar features as claim 1 except that the periodic ranking is based on mobile device battery drain associated with usage of each respective interface. New claim 44 also recites similar features as claim 1 except that the periodic ranking is based on signal security in communicating with each respective interface. Similar subject matter was recited in previous claim 33 and does not constitute new matter.

Attorney's Docket No.: 10559-424001/P10438

Neither Jones nor Cruickshank suggest or otherwise contemplate ranking interfaces based on levied fees, battery drain, or signal security. Cruickshank states that a PBX monitors quality of service (QoS) over internet call paths (see, inter alia, Cruickshank col. 2, lines 32-34). Cruickshank continues that such monitoring "involves measuring such parameters as packet delay, the number of packets dropped and throughput" (see Cruickshank col. 2, lines 34-36).

QoS is defined on <http://en.wikipedia.org/wiki/Qos> as:

"In the fields of packet-switched networks and computer networking, the traffic engineering term Quality of Service (QoS; pronounced "Que-Oh-Es") refers to the probability of the telecommunication network meeting a given traffic contract, or in many cases is used informally to refer to the probability of a packet succeeding in passing between two points in the network."

Therefore, the parameters that are referred to in Cruickshank only relate to probability of a packet being received and do not relate to factors such as levied fees, battery drain, or signal security.

Jones, on the other hand, describes an arrangement in which compatible wired or wireless mediums are utilized based on whether such a medium is a preferred connection and whether such a medium is available (see, inter alia, Jones col. 7, line 63 to

Attorney's Docket No.: 10559-424001/P10438

col. 8, line 4). Jones states that factors such as "network loading and throughput, and user options for quality of service, i.e., the desired throughput (bit rate), latency, and jittery (latency variance)" are used to determine which service medium should be selected (see Jones col. 8, lines 34-37). However, there is no suggestion in Jones that a service medium is selected based on levied fees, battery drain, or signal security.

Accordingly, the skilled artisan would not have resulted in the claimed subject matter by combining Jones with Cruickshank. As a result, claims 1, 9, 37, 44, and their respective dependent claims should be allowable.

#### Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any

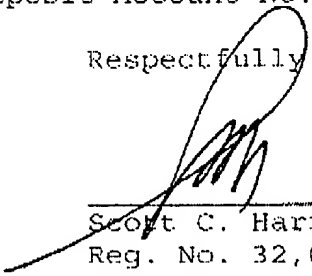
Attorney's Docket No.: 10559-424001/P10438

claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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